

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

187P0511

SENATE HEALTH AND HUMAN SERVICES

ENGROSSED NO. **SB 164** - 2/4/2008

Introduced by: Senators Olson (Ed), Dempster, Heidepriem, Jerstad, Katus, McCracken, Napoli, Nesselhuf, Turbak Berry, and Two Bulls and Representatives Halverson, Ahlers, Cutler, Elliott, Feinstein, Kirkeby, McLaughlin, Moore, Peters, Street, Thompson, and Van Norman

1 FOR AN ACT ENTITLED, An Act to clarify the application of certain statutes relative to  
2 contraception and birth control.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. The terms, contraception and birth control, mean any method of preventing  
5 pregnancy that is approved by the United States Food and Drug Administration.

6 Section 2. The Legislature hereby makes the following findings:

7 (1) Citizens of this state have a protectable interest in the freedom from unreasonable  
8 government intrusions into their private lives;

9 (2) This interest in freedom from unreasonable government intrusions into the private  
10 lives of citizens encompasses and protects the right of consenting individuals to  
11 obtain and use safe and effective methods of contraception without interference by  
12 governmental entities; and

13 (3) It is the public policy of this state that the interest in freedom from unreasonable



1 government intrusions into the private lives of citizens, and specifically the right of  
2 consenting individuals to obtain and use safe and effective methods of contraception  
3 without interference by governmental entities, shall be safeguarded and that the laws  
4 of this state shall be interpreted and construed to recognize and protect these rights.

5 Section 3. Neither contraception nor birth control, as defined in section 1 of this Act, is  
6 subject to or governed by the provisions of chapter 34-23A or § 36-11-70.